

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.



Dated: December 17, 2021

Beth A. Buchanan

**Beth A. Buchanan
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION at CINCINNATI**

IN RE:	}	CASE NO. 21-12059
ERIN KATHLEEN HILL	}	CHAPTER 13
DEBTOR	}	JUDGE BUCHANAN

**AGREED ORDER SUSTAINING DEBTOR'S OBJECTION (DOC. 31) TO PROOF OF
CLAIM NO. 3 FILED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AND REQUEST FOR VALUATION OF LIENS**

BY AGREEMENT OF THE PARTIES, and for good cause shown, the Debtor's Objection (Doc. 31) to Proof of Claim No. 3 filed in this case by the U.S. Department of Housing and Urban Development is **SUSTAINED**.

THE COURT FINDS the debt underlying Claim No. 3 was discharged in a prior Chapter 13 Bankruptcy Case which was filed in this Court on February 11, 2014 and styled *In re Erin K. Hill*, Case No. 14-10454 (hereinafter the "Prior Case").

THE COURT FURTHER FINDS the Creditor is the owner of a Mortgage, securing the alleged debt underlying Claim No. 3, (hereinafter the "Mortgage").

THE COURT FURTHER FINDS the Mortgage was stripped, pursuant to Debtor's Confirmed Chapter 13 Plan in the Prior Case, as the Mortgage did not attach to equity in the underlying real property it encumbered and was wholly unsecured.

THE COURT FURTHER FINDS that on May 16, 2017 the Debtor received a Discharge of her debts in the Prior Case including the debt underlying Creditor's Claim No. 3 and the Discharge in the Prior Case also constituted a release of the Mortgage.

IT IS, THEREFORE, ORDERED that Claim No.3 is disallowed in its entirety and shall not be paid by the Trustee as it was discharged in the Prior Case.

IT IS FURTHER ORDERED that the Mortgage has been released and the Debtor shall be entitled to record a copy of this Order in the Office of the Recorder of Clermont County, Ohio as evidence the Mortgage recorded on or about January 28, 2013 in Book 2428, Page 2442 has been released.

IT IS SO ORDERED.

SUBMITTED AND AGREED TO BY:

/s/ Francis J. Dicesare, Esq.

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TO BE SERVED UPON:

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